

the GDR no longer exists. On October 3, 1990, the former GDR and the pre-unification territory of the FRG were unified into the single jurisdiction of the FRG. However, no less-than-fair-value (LTFV) investigation or injury test covering solid urea has been conducted for producers located in the pre-unification territory of the FRG. Thus, expansion of the order to the territory of the unified FRG would raise serious legal questions under the GATT and U.S. law—both regimes contemplate the assessment of antidumping duties only after injury and LTFV determinations that provide affected parties with certain procedural safeguards, including adequate notice and the opportunity to comment.

By maintaining the order on solid urea from the Five States, we believe we are reaching a result that is consistent with U.S. law and our international obligations. First, this result comports with the holding in the *Techsnabexport* case. Specifically, it preserves, notwithstanding the change in political borders, the original geographic scope of the order. 802 F. Supp. at 472–74. Second, as noted above, nothing in the GATT or U.S. law expressly precludes the maintenance of a region- or province-specific order where, as here, the country originally subject to the order has combined with another country. Expansion of the order to cover all shipments from the unified FRG, on the other hand, would subject producers to antidumping duties on merchandise which was never covered by injury and LTFV determinations at the International Trade Commission and the Department. Finally, revocation of the order, while avoiding the concerns raised by a country-wide order, would, as a result of a change in government or political borders, deprive the petitioners of relief they sought and obtained. As in the *Techsnabexport* case, 802 F. Supp. at 472, where the breakup of the Soviet Union did not justify the termination of the then-pending antidumping duty investigation of uranium, the change in government and political borders in this case does not provide a basis for revocation of the order.

Preliminary Results

According, due to the unique circumstances of this case, the Department preliminarily determines that the appropriate action is to maintain the order and the existing 44.80 percent cash deposit rate on solid urea from the five German states that formerly constituted the GDR (Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia (plus any other territory

included in the former GDR)) and to allow entry of shipments from the pre-unification territory of the FRG without regard to antidumping duties.

Initiation of Changed Circumstances Antidumping Duty Administrative Review

Pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Tariff Act) and 19 CFR 353.22(f), the Department may review a determination whenever changed circumstances are sufficient to warrant such a review. In the instant case, the current cash deposit rate is based upon the non-market economy analysis provided for in section 773(c) of the Act. However, the Department has determined that as of October 3, 1990, producers located in the five German states that formerly constituted the GDR have been operating in a market-oriented economy. See *Final Affirmative Countervailing Duty Determinations; Certain Steel Products from Germany*, 58 FR 37315, 37324 (July 9, 1993).

Therefore, the Department is initiating a second changed circumstances review pursuant to section 751(b) of the Tariff Act and 19 CFR 353.22(f). In the next review, the Department will calculate a new cash deposit rate using a market economy analysis for any shipments of solid urea from the Five States occurring after October 2, 1990 and before the effective date of this notice. See *Antidumping Duty Order and Initiation of a Changed Circumstances Antidumping Duty Administrative Review: Certain Cut-to-Length Carbon Steel Plates from Poland*, 58 FR 44166 (1993) (change from a non-market to market economy justified a changed circumstances review to calculate a new cash deposit rate).

Suspension of Liquidation

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of this changed circumstances review, as provided for by section 751(a)(1) of the Tariff Act. A cash deposit of estimated antidumping duties shall be required on shipments of the subject merchandise as follows:

(1) No cash deposit will be required for shipments of solid urea produced by firms located in the pre-unification territory of the FRG.

(2) The existing 44.80 percent cash deposit rate will remain in effect, pending the results of the second changed circumstances review, for shipments of solid urea produced by firms located in the five German states

that formerly constituted the GDR (Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia (plus any other territory included in the former GDR)).

Public Comment

Case briefs and/or written comments from interested parties on the preliminary results of this changed circumstances review (initiated Feb. 12, 1992) may be submitted no later than 25 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed no later than 32 days after the date of publication. All written comments shall be submitted in accordance with 19 CFR 353.31(e) and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g). Interested parties may also request a hearing within ten days of the date of publication of this notice. Any hearing, if requested, will be held no later than 39 days after the date of publication of this notice. The Department will publish the final results of this changed circumstances review, including the results of its analysis of any written comments.

This administrative review and notice are in accordance with section 751(b) of the Tariff Act and 19 CFR 353.22(f).

Dated: April 21, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

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[C–333–402]

Certain Apparel from Peru; Notice of Scope Amendment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to the existing conversion of the scope of the order from the Tariff Schedules of the United States annotated to the harmonized tariff schedule.

SUMMARY: On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty

orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50727). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on certain apparel from Peru.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

In 1985, the Department issued a countervailing duty order on Certain Apparel from Peru (C-333-402) (50 FR 9871; March 12, 1985). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to "take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all * * * orders * * *" in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on certain apparel from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on certain apparel from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50727). The Department also requested comments on the proposed conversion from the U.S. Customs Service.

Based on our analysis of the comments received, the Department has amended the 1989 Conversion governing the countervailing duty order on certain apparel from Peru. The HTS numbers included in this order are listed in the attached Appendix.

Analysis of Comments Received

The Department received no timely comments from interested parties. We are making the following changes to the HTS-defined scope, as published on October 5, 1994 (59 FR 50727), based on comments from the U.S. Customs Service and advice from the U.S. International Trade Commission:

1. Since the original TSUSA-defined scope of this countervailing duty order did not include hand-knit alpaca apparel, we are inserting the following footnote applicable to the whole HTS-defined scope in the attached Appendix: "The order covers all products identified, other than hand-knit alpaca garments."

2. To better reflect the original TSUSA-defined scope of this countervailing duty order, cotton bags should be excluded from the HTS subheading 4202.2280. Consequently, we are inserting the expression "Coverage excludes handbags with outer surface of cotton" for this subheading.

3. To better reflect the original TSUSA-defined scope of this countervailing duty order, we are adding the footnote "Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface" to the following HTS subheadings: 6104.5100, 6104.5310, 6104.5910, 6104.6100, 6104.6315, 6104.6920, 6204.3120, 6204.3340, 6204.3920, 6204.4120, 6204.4330, 6204.4430, 6204.5100, 6204.5320, 6204.5920, 6204.6240, 6204.6325, 6204.6920.

4. An HTS subheading change, made effective on January 1, 1995, necessitates that we replace subheading

6204.6100 with 6204.6190. We are also adding the footnote "Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface" to this HTS subheading.

5. We are inserting HTS subheadings 6104.6210, 6201.1330, and 6202.1330 so that the HTS-defined scope reflects more accurately the original TSUSA-defined scope of this countervailing duty order.

6. We are also inserting HTS subheadings 6106.2010 and 6106.9010 with the footnote "Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface" so that the HTS-defined scope reflects more accurately the original TSUSA-defined scope of this countervailing duty order.

Instructions to Customs

The Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries of certain apparel from Peru not covered by the attached Appendix that were exported from Peru on or after May 18, 1992. The Department will also instruct the U.S. Customs Service to liquidate at the appropriate countervailing duty rate all unliquidated entries of the subject merchandise covered in the attached Appendix that were exported on or after May 18, 1992, and on or before December 31, 1994.

In addition, we are instructing the Customs Service to terminate the suspension of liquidation for all entries of certain apparel from Peru not covered in the attached Appendix, that are entered or withdrawn from the warehouse on or after the date of publication of this notice. The Department will also instruct the U.S. Customs Service to continue to suspend liquidation and collect the appropriate cash deposit of estimated countervailing duties for the subject merchandise listed in the attached Appendix, entered or withdrawn from the warehouse, on or after the date of publication of this notice.

Dated: April 18, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Appendix: Amended HTS List for Certain Apparel From Peru (C-333-402)▼

| | |
|------------|------------|
| 4202.1240 | 6109.1000♦ |
| 4202.2270 | 6110.1010 |
| 4202.2280● | 6110.1020 |
| 4202.9215 | 6110.2020♦ |
| 4202.9260 | 6110.3015 |
| 6102.1000 | 6116.9100 |

Appendix: Amended HTS List for Certain Apparel From Peru (C- 333-402)▼—Continued

| | |
|-------------|-------------|
| 6102.3010 | 6116.9364 |
| 6103.1100 | 6116.9374 |
| 6103.1210 | 6117.1010 |
| 6103.1910 | 6117.1020 |
| 6103.2100* | 6201.1100 |
| 6103.2200* | 6201.1330 |
| 6103.2300* | 6201.9120 |
| 6103.2910* | 6201.9325 |
| 6103.4110 | 6202.1100 |
| 6103.4210† | 6202.1330 |
| 6103.4310 | 6202.9120 |
| 6103.4910‡ | 6202.9220 |
| 6104.1100 | 6202.9340 |
| 6104.1310 | 6204.2100* |
| 6104.1910 | 6204.2230* |
| 6104.2100* | 6204.2300* |
| 6104.2300* | 6204.2920* |
| 6104.2910* | 6204.3120◆ |
| 6104.3100 | 6204.3340◆ |
| 6104.3310 | 6204.3920◆ |
| 6104.3910‡ | 6204.4120◆ |
| 6104.4100 | 6204.4230◇ |
| 6104.4310 | 6204.4330◆ |
| 6104.4410 | 6204.4430◆ |
| 6104.5100◆ | 6204.5100◆ |
| 6104.5310◆ | 6204.5320◆ |
| 6104.5910‡◆ | 6204.5920◆ |
| 6104.6100◆ | 6204.6190◆ |
| 6104.6210 | 6204.6240■◆ |
| 6104.6315◆ | 6204.6325◆ |
| 6104.6920‡◆ | 6204.6920◆ |
| 6105.1000◆ | 6205.2020□ |
| 6106.1000◆ | 6214.2000 |
| 6106.2010◆ | 6505.9030 |
| 6106.9010◆ | 6505.9040 |

▼ The order covers all products identified, other than hand-knit alpaca garments.

● Coverage excludes handbags with outer surface of cotton.

* Coverage limited to garments that would be subject to this order if separately entered.

† Coverage limited to garments having embroidery or permanently affixed applique work on the outer surface.

‡ Coverage limited to garments of artificial fibers, containing 23 percent or more by weight of wool or fine animal hair.

◆ Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.

◇ Coverage excludes dresses of pile fabric and other dresses of fabric having yarns of different colors.

■ Coverage excludes girls' garments, women's shorts, women's trousers and breeches of pile fabric and other women's trousers and breeches of blue denim.

□ Coverage excludes shirts of pile fabric and other shirts of fabric having yarns of different colors.

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[C-333-001]

Cotton Sheeting and Sateen From Peru; Notice of Scope Amendment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to the existing conversion of the scope of the order from the tariff schedules of the

United States annotated to the harmonized tariff schedule.

SUMMARY: On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50728). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on cotton sheeting and sateen from Peru.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the Department issued a countervailing duty order on Cotton Sheeting and Sateen from Peru (C-333-001) (48 FR 4501; February 1, 1983). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to "take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all * * * orders * * *" in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published

the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on cotton sheeting and sateen from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on cotton sheeting and sateen from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50728). The Department also requested comments on the proposed conversion from the U.S. Customs Service.

We received no comments from interested parties. Based on our analysis of comments from the U.S. Customs Service and advice from the U.S. International Trade Commission, the Department has amended the 1989 Conversion governing the countervailing duty order on cotton sheeting and sateen from Peru. The HTS numbers included in this order are listed in the attached Appendix.

Instructions to Customs

The Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries of cotton sheeting and sateen from Peru not covered by the attached Appendix that were exported from Peru on or after January 1, 1994. The Department will also instruct the U.S. Customs Service to liquidate at the appropriate countervailing duty rate all unliquidated entries of the subject merchandise covered in the attached Appendix that were exported on or after January 1, 1994, and on or before December 31, 1994.

In addition, we are instructing the Customs Service to terminate the suspension of liquidation for all entries of cotton sheeting and sateen from Peru not covered in the attached Appendix, that are entered or withdrawn from the warehouse on or after the date of